

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Timothy E. Shafer,

:

Plaintiff : Civil Action 2:13-cv-00731

v. : Judge Watson

Ohio Department of Rehabilitation &  
Corrections, *et al.*,

: Magistrate Judge Abel

Defendants :

**REPORT AND RECOMMENDATION**

Plaintiff Timothy E. Shafer, an inmate at the Southeastern Correctional Facility, brought this prisoner civil rights action under 42 U.S.C. §1983 alleging that defendants subjected him to cruel and unusual punishment by refusing to provide him with medical treatment. This matter is before the Magistrate Judge for a Report and Recommendation on plaintiff's unopposed February 11, 2014 motion to dismiss without prejudice (doc. 22).

Since there has been no opposition to the motion, it is hereby **RECOMMENDED** that this action be **DISMISSED without prejudice**.

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. See 28 U.S.C. §636(b)(1)(B); Fed. R.

Civ. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to de novo review by the District Judge and waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

s/Mark R. Abel  
United States Magistrate Judge